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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

June 2008 Grand Jury

08 CR 2716 H

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW ALEXANDER SMITH,

Defendant.

Criminal Case No. \_\_\_\_\_

I N D I C T M E N T

Title 8, U.S.C.,

Sec. 1324(a)(2)(B)(ii) -

Bringing in Illegal Aliens for

Financial Gain; Title 18, U.S.C.,

Sec. 2 - Aiding and Abetting;

Title 8, U.S.C.,

Sec. 1324(a)(2)(B)(iii) - Bringing

in Illegal Aliens Without

Presentation; Title 18, U.S.C.,

Sec. 1544 - Misuse of Passport

(Felony); Title 18, U.S.C.,

Secs. 1028(a)(7) and

(b)(1)(A)(I) - Use of a False

Means of Identification

The grand jury charges:

Count 1

On or about August 4, 2008, within the Southern District of California, defendant MATTHEW ALEXANDER SMITH, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Delfino Garcia-Garcia, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

LC:fer:San Diego  
8/12/08

Count 2

On or about August 4, 2008, within the Southern District of California, defendant MATTHEW ALEXANDER SMITH, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Delfino Garcia-Garcia, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count 3

On or about August 4, 2008, within the Southern District of California, defendant MATTHEW ALEXANDER SMITH, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Fortino Garcia-Garcia, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

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Count 4

On or about August 4, 2008, within the Southern District of California, defendant MATTHEW ALEXANDER SMITH, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Fortino Garcia-Garcia, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count 5

On or about August 4, 2008, within the Southern District of California, defendant MATTHEW ALEXANDER SMITH, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Francisco Gama-Gonzalez, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

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Count 6

On or about August 4, 2008, within the Southern District of California, defendant MATTHEW ALEXANDER SMITH, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, Francisco Gama-Gonzalez, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count 7

On or about August 4, 2008, within the Southern District of California, defendant MATTHEW ALEXANDER SMITH, did willfully and knowingly use a United States passport, issued and designed for use of another in the following manner, to wit: defendant presented a United States passport to a federal officer, claiming to be Zachary Everett Moody, a United States, knowing full well that he was not; in violation of Title 18, United States Code, Section 1544, a felony.

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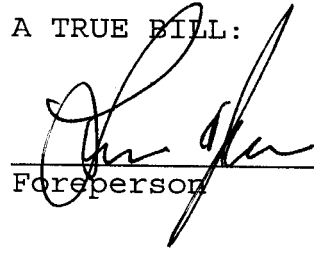
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Count 8

On or about August 4, 2008, within the Southern District of California, defendant MATTHEW ALEXANDER SMITH, did knowingly use, in or affecting interstate or foreign commerce, without lawful authority, a means of identification of another person, to wit, a United States Passport in the name of Zachary Everett Moody, with the intent to commit, or to aid and abet, or in connection with, any unlawful activity that constitutes a violation of federal law, to wit, bring to the United States said alien for the purpose of commercial advantage and private financial gain in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2; all in violation of Title 18, United States Code, Sections 1028(a)(7) and (b)(1)(A)(I).

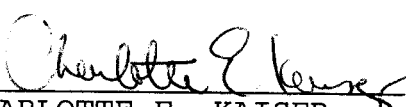
DATED: August 13, 2008.

A TRUE BILL:

  
Foreperson

KAREN P. HEWITT  
United States Attorney

By:

  
CHARLOTTE E. KAISER  
Assistant U.S. Attorney